

A SUBSTITUTE ORDINANCE TO AMEND ARTICLE IV,
DIVISION 14 OF THE CIVIL SERVICE CODE OF THE CITY OF
ATLANTA, GEORGIA, SO AS TO CREATE A NEW SECTION
114-429 ENTITLED "VOLUNTARY SHARED LEAVE
PROGRAM"; AND FOR OTHER PURPOSES.

WHEREAS, an employee or immediate household member may be confronted with a severe or extraordinary illness, or injury that results in the employee's use of all available leave and the potential of a financial hardship; and

WHEREAS, many employees have an abundance of leave (annual, sick and compensatory time) which may never be fully exhausted and could be utilized by fellow employees with incapacitating maladies; and

WHEREAS, the federal government and over thirty (30) states have established shared leave laws and regulations which include the donation of sick or annual leave, or a combination thereof; and

WHEREAS, a leave donation program can strengthen team spirit, improve morale and demonstrate a commitment to the workforce; and

WHEREAS, the city desires to enhance its current leave policy by establishing a voluntary leave donor program that provides for the transfer of leave between employees.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1: That Article IV, Division 14 of the Civil Service Code of the City of Atlanta is hereby amended by adding a new section 114-429 entitled "Voluntary Shared Leave Program", which reads as follows:

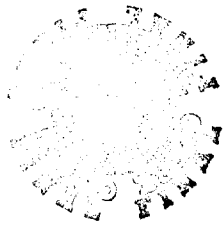
1. Purpose and Applicability

The purpose of this section is to set forth procedures and requirements for a "Voluntary Shared Leave Program" under which leave (annual, sick and comp time) may be transferred from one employee to another in the event the receiving employee or an immediate family member suffers from a serious illness or injury that necessitates the employee's absence from work.

2. Definitions

A. *Family Member* refers to the following relatives of the employee:

- (1) Spouse or domestic partner and his/her parents
- (2) Children, including adopted children, and their spouses
- (3) Parents



- (4) Brothers and sisters and their spouses
- (5) Any individual related by blood or whose close association with you is the equivalent of a family relationship;

B. *Leave Recipient*—an employee who receives donated leave.

C. *Leave Donor*—an employee who voluntarily transfers leave to the shared leave account of a leave recipient.

D. *Severe Illness or Injury*—a *catastrophic* medical condition of an employee or a family member that would require the employee's absence from work for an extended period of time and would result in a loss of income.

E. *Shared Leave Account*—refers to an account established for a leave recipient to receive donated leave and shall be maintained separately from other leave balances.

3. Requesting Shared Leave

To be eligible to receive shared leave, an employee shall:

A. Meet the following eligibility requirements:

- (1) Be a permanent employee *with satisfactory or effective performance rating* ;
- (2) Have a severe illness or injury ; or
- (3) Have a caregiver responsibility for a family member with a severe illness or injury; and
- (4) Have exhausted all leave and advanced sick leave.

B. Prepare a "Shared Leave Request Form" by:

- (1) Obtaining a request form from the supervisor or manager; and
- (2) Completing and submitting the form to the supervisor and department head for signatures and transmission of the completed form, including medical verification, to the Department of Personnel and Human Resources, before or during the period of leave.

C. Provide medical verification by:

- (1) Obtaining a medical statement signed by a licensed physician that:
 - (a) verifies and describes the incapacitating condition which requires the employee's absence; and
 - (b) provides the beginning date of treatment and the date employee is expected to return to work; *in the case of a family member, the expected duration of the illness.*

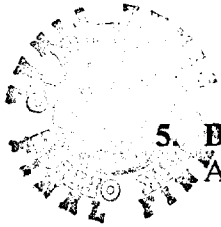
- (2) Sending the medical statement directly to the department head of the leave recipient.

4. Status While Receiving Shared Leave

A. Insurance benefits and leave accrual continue if *an employee is* in a shared leave status.

B. Shared leave ends when an employee returns to work or is separated from employment. If the medical provider recommends a gradual return to work, additional shared leave use may be approved *by the Commissioner of Department of Personnel and Human Resources in conjunction with the recipient's department head.*

C. *Any employee on shared leave shall be prohibited from taking another job. Violation of this section shall cause the immediate forfeiture of any remaining donated leave.*



5. Donating Leave

- A. An employee who desires to donate leave shall complete a "Voluntary Shared Leave Form" designating the recipient of the leave and the amount and category of leave to be donated.
- B. Employees donating leave shall donate a minimum of (8) hours in any leave category.
 - (1) An employee may donate no more than fifty (50) percent of the annual or sick leave accrued in a work year. The amount of leave donation shall not exceed fifty (50) percent of the leave balance at the time of donation.
 - (2) A *non-exempt* employee may donate as many hours of compensatory hours as desired.

6. Leave Limitations

- A. A leave recipient may receive and be allowed to use no more than 2080 hours from the date of approval, *per occurrence of severe illness or injury; except that sworn members of the Atlanta Fire Department shall be entitled to receive and use no more than 2,756 hours.*
- B. Donated leave may be used only for the severe illness or injury for which the leave recipient is approved.
- C. No employee may donate leave to an immediate supervisor.
- D. Donated leave may not be used to repay Advance Sick Leave.
- E. A leave recipient shall not transfer donated leave to another leave recipient.
- F. Unused donated leave shall not be credited to the leave recipient's accrued or earned leave balances, or pension account. Any unused leave shall be forfeited.
- G. Nothing in this plan is grievable.
- H. Exempt employees may not donate compensatory time.

7. Prohibition of Coercion

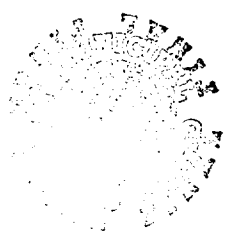
An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with respect to donating, receiving, or using sick or vacation leave.

8. Records and Reports

- A. *The Department of Personnel and Human Resources shall retain the following documents on individual leave donations:*
 - (1) approved and disapproved leave recipient and donor forms;
 - (2) number of hours transferred to each leave recipient;
 - (3) number of donated hours used by each recipient,
 - (4) written notice of termination of severe illness or injury, and
 - (5) any other material pertinent to each leave recipient or donor.
- B. Voluntary Shared Leave Program documents must be maintained separately from other employee personnel files.

9. Administrative Responsibilities

- A. Department head of leave recipient shall review and provide recommendation concerning employee's request, monitor the status of the employee's severe illness or injury to ensure adherence to the policies and requirements concerning the Voluntary Shared Leave Program.
- B. The Department of Personnel and Human Resources shall:
 - (1) Review request to become a leave recipient;
 - (2) Verify the eligibility of a leave donor;
 - (3) Advise when request to become a leave recipient is approved or disapproved;
 - (4) *Notify* the Department of Finance of request approval; and,

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- (5) *Notify* the Department of Finance when the leave status has ended.
- C. Department of Finance shall:
- (1) Make appropriate adjustments to recipient and donor leave balance; and
 - (2) Maintain special Shared Leave Account

10. Confidentiality

This information will be kept confidential to the extent authorized under the Open Records Act.

Section 2: Repeal Conflicting Ordinances

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

MAY 07, 2001
MAY 15, 2001

President Pro Tem Bond Presided

RCS# 2843
5/07/01
5:47 PM

Atlanta City Council

Regular Session

01-O-0592 Amend Division 14 Civil Service Code to
create "Voluntary Shared Leave Program"
ADOPT/SUB/AMEND

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

01-O-0592

01-0 -0592

(Do Not Write Above This Line)

ORDINANCE BY *Wanda Davis*
Wanda Davis
Wanda Davis
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ADOPTED BY
MAY 07 2001

COUNCIL

SUBSTITUTE AS AMENDED

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

4/2/01

Referred To:

Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee *FIN*
Date *4-11-01*
Chair *SB*
Action: *(Fav, Adv, Hold (see rev. side))*
Other: *CA substituted as amended*
Members *Wanda Davis, Wanda Davis, Wanda Davis*
Refer To *Wanda Davis*

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
MAY 7 2001

ATLANTA CITY CLERK
Wanda Davis

CERTIFIED
MAY 07 2001

Wanda Davis
MUNICIPAL CLERK

APPROVED

MAY 15 2001

Wanda Davis
MAY 15 2001